

2206.65752

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James E. McCambridge  
Serial No.: 09/955,690  
Conf. No.: 9754  
Filed: 9/19/2001  
For: ATTACHMENT FOR HAIR  
CLIPPERS  
Art Unit: 3724  
Examiner: Alie, Ghassem

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1 Nov 04

*[Signature]*

Date

Registration No. 29,367

Attorney for Applicant(s)

APPEAL BRIEF

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
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Dear Sir:

This brief is being timely filed within two months of the September 2, 2004 filing of a Notice of Appeal. The fee set forth in Section 41.20(b)(2) is enclosed.

(i) Real Party in Interest

The real party in interest is Wahl Clipper Corporation of Sterling,

Illinois.

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(ii) Related Appeals and Interferences

Appellant, Appellant's legal representative and assignee know of no other applications, patents, appeals or interferences or judicial proceedings, prior or pending, which may be related to, directly affect, or be directly affected by or have a bearing on the Board's decision in this appeal.

(iii) Status of Claims

Claims 1-20 inclusive, are pending in this application. Claims 1-3, 7, 9-11 and 15-17 stand rejected, and claims 4-6, 8, 12-14 and 18-20 are objected to. The rejection of claims 1-3, 7, 9-11 and 15-17 is being appealed.

(iv) Status of Amendments

An amendment was not filed after the final rejection mailed August 3, 2004. All amendments have been entered, including Amendment E, filed April 29, 2004; Amendment D, filed December 8, 2003; Amendment C, filed August 11, 2003; Amendment B, filed February 24, 2003; and a Preliminary Amendment, filed July 23, 2002.

(v) Summary of Claimed Subject Matter

Claims 1, 9 and 15 are independent. The claims describe a trimmer attachment (10 in Fig. 1) for a hair clipper 12. The hair clipper 12 has a stationary blade 16 and a reciprocating blade 18 (Fig. 2).

The attachment 10 includes means for securing the attachment 10 to the hair clipper 12. The structure that performs this function includes a drive arm 124 (Figs. 3, 6 and 7) and a snap 144 (Figs. 3-8).

Referring to independent claim 1, the attachment 10 also includes a movable trimmer blade 130 that reciprocates in response to reciprocation of the reciprocating blade 18 of the hair clipper 12 (Figs. 1, 2 and 8).

Referring to independent claim 9, the attachment 10 is removably secured to the hair clipper 12. The structure described for performing this function includes the drive arm 124 and the snap 144.

Referring to independent claim 15, the movable trimmer blade 130 of the attachment 10 is driven in a reciprocating manner by the reciprocation of the reciprocating blade 18 of the hair clipper 12.

Referring to claim 2, the trimmer attachment of claim 1 has a drive arm 24 that at least partially surrounds the reciprocating blade 18 of the hair clipper 12. A blade guide 126 is operatively connected to the drive arm 124 and is also secured to the movable trimmer blade 130.

Referring to claim 3, the trimmer attachment of claim 2 includes a stationary trimmer blade 132 that complements the movable trimmer blade 130. The movable trimmer blade 130 reciprocates across the stationary trimmer blade 132 to cut hair.

Referring to claim 7, the hair clipper blades in the trimmer attachment of claim 1 have a first width (Fig. 2), and the movable trimmer blade 130 has a second width

narrower than the first width.

Referring to claim 10, the trimmer attachment of claim 9 includes a drive arm 124 that at least partially surrounds the reciprocating blade 18 of the hair clipper 12. A blade guide 126 is operatively connected to the drive arm 124, and is also secured to the moveable trimmer blade 130.

Referring to claim 11, the trimmer attachment of claim 10 includes a stationary trimmer blade 132 to complement the movable trimmer blade 130. The movable trimmer blade 130 reciprocates across the stationary trimmer blade 132 to cut hair.

Referring to claim 16, the trimmer attachment of claim 15 includes a drive arm 124 that at least partially surrounds the reciprocating blade 18 of the hair clipper 12. A blade guide 126 is operatively connected to the drive arm 124, and is also secured to the movable trimmer blade 130.

Referring to claim 17, the trimmer attachment of claim 16 includes a stationary trimmer blade 132 that complements the movable trimmer blade 130. The movable trimmer blade 130 reciprocates across the stationary trimmer blade 132 to cut hair.

(vi) Grounds of Rejection to be Reviewed on Appeal

Independent claims 1, 9 and 15, and dependent claims 2-3, 7, 10-11, and 16-17, stand rejected on the basis of Tanaka et al. USPN 4,031,617. The examiner asserts, among other things, that Tanaka teaches a movable trimmer blade 4 driven in a reciprocating manner by reciprocation of a reciprocating blade 5-7 of an electric shaver. The examiner

defines the reciprocating blade of the shaver to include both a supporting frame 6 and a driving member 7 in Figs. 4 and 6, in addition to a blade assembly 5.

In response to the rejection, Applicant argued that Tanaka does not teach that a movable trimmer blade reciprocates in response to reciprocation of a reciprocating blade. The examiner rejected applicant's argument on the following basis.

“Applicant's argument that Tanaka does not teach that the movable trimmer blade 5 [sic, 4] reciprocates in response to reciprocation of the reciprocating blade 5, 7 of the hair clipper is not persuasive. As has been explained in paragraph 2 above and in the previous Office action, the reciprocating member 7 and the inner blade assembly 5 define the reciprocating blade of the hair clipper. The reciprocating blade 4 reciprocates in response to the reciprocation of the reciprocating blade 5, 7 of the hair clipper. The reciprocating blade 5, 7 of the hair clipper includes both the blade 5 and drive member 7 which is attached to the blade 5. Therefore, the reciprocation of the reciprocating blade 5, 7 is also responsible for reciprocation of the reciprocating blade 4 of the attachment, since the reciprocating blade 4 is attached to the reciprocating blade 5, 7 of the hair clipper. See Figs. 4-6 in Tanaka.”

This rejection, and this assertion of the examiner, form the basis of this appeal.

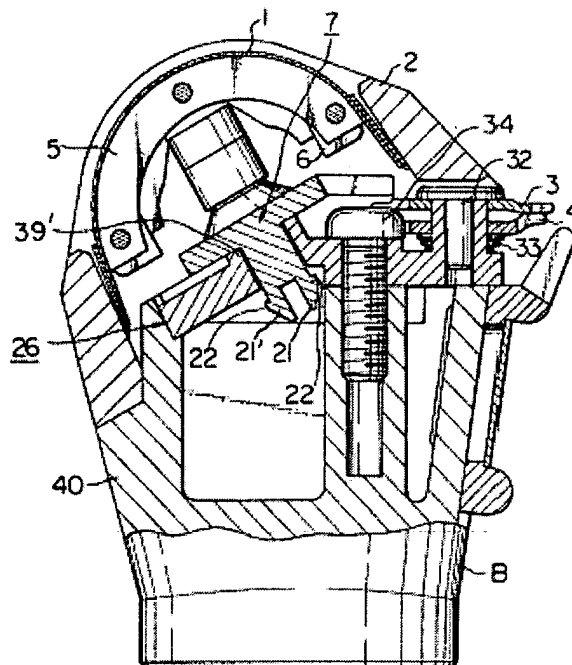
(vii) Argument

The rejection of claims 1-3, 7, 9-11 and 15-17 should be reversed because the cited reference does not disclose (or suggest) one blade (a movable trimmer blade) that reciprocates in response to another blade (a hair clipper blade). The rejected claims will be argued as a group.

The Examiner's assertion that the reciprocating blade in the reference includes both the shaver blade 5 and the drive member 7 is unreasonable, because the drive

member 7 is a separate element that performs a function different than the function performed by the shaver blade 5. Tanaka discloses a reciprocating driving member 7 (col. 2, line 26), a reciprocating shaver blade 5, and a reciprocating hair trimmer blade 4, shown below. Both blades are driven by the plastic reciprocating driving member 7. The shaver blade 5 and the hair trimmer blade 4 both reciprocate in response to the reciprocating driving member, common to both blades.

The trimmer blade 4 operates in response to the driving member 7, not the shaver blade 5. After all, if the shaver blade 5 were removed altogether, the hair trimmer blade 4 would still reciprocate in response to the driving member 7.



In contrast, the independent claims of the present invention recite that the movable trimmer blade of the attachment reciprocates in response to reciprocation of the reciprocating blade of the hair clipper. As described in the present specification, the driving member drives the hair clipper blade, and the hair clipper blade drives the trimmer blade. If the hair clipper blade were somehow removed, the trimmer blade would not operate.

The examiner's interpretation of the shaver blade 5 to include the driver member 7 is unreasonable, and should be rejected. Previous rejections based on Ogawa et al. U.S. Patent No. 5,054,199, Cromonic U.S. Patent No. 2,292,364 and Ullman 5,701,673 were traversed on the same grounds and all of those rejections were withdrawn. The examiner's refusal to withdraw this rejection is unreasonable, and the examiner should be reversed.

(viii) Claims Appendix

A copy of the claims involved in this appeal is attached at Appendix A.

(ix) Evidence Appendix

None.

(x) Related Proceedings Appendix

None.

(xi) Conclusion

For the foregoing reasons, applicant respectfully requests reversal of the outstanding rejection of claims 1-3, 7, 9-11 and 15-17.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 

Patrick G. Burns  
Registration No. 29,367

November 1, 2004

300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: 312.360.0080  
Facsimile: 312.360.9315  
Customer No. 24978  
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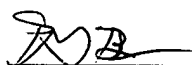
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Attorney for Applicant(s)

CLAIMS APPENDIX A

1. (Rejected) A trimmer attachment for a hair clipper, the hair clipper having a stationary blade and a reciprocating blade, the attachment comprising:  
  
means for securing the attachment to the hair clipper; and  
  
a movable trimmer blade that reciprocates in response to reciprocation of the reciprocating blade of the hair clipper.
  
2. (Rejected) The trimmer attachment of claim 1, comprising:  
  
a drive arm at least partially surrounding the reciprocating blade of the hair clipper, and

a blade guide operatively connected to the drive arm and also secured to the movable trimmer blade.

3. (Rejected) The trimmer attachment of claim 2, comprising:  
a stationary trimmer blade that complements the movable trimmer blade, the movable trimmer blade reciprocating across the stationary trimmer blade to cut hair.

4. (Objected To) The trimmer attachment of claim 3, comprising:  
a base, the stationary trimmer blade being secured in the base,  
a spring secured to the base over the blade guide, and  
a guide secured to the base over the drive arm, to hold the drive arm in place.

5. (Objected To) The trimmer attachment of claim 4 wherein the guide also secures the attachment to the hair clipper.

6. (Objected To) The trimmer attachment of claim 4 wherein the base covers the stationary blade of the hair clipper to avoid unintentional cutting by the hair clipper when the trimmer attachment is secured to the hair clipper.

7. (Rejected) The trimmer attachment of claim 1 wherein hair clipper blades have a first width and the movable trimmer blade has a second width narrower than the first width.

8. (Objected To) The trimmer attachment of claim 4 wherein the base has two sides that secure the attachment laterally.

9. (Rejected) A trimmer attachment for a hair clipper, the hair clipper having a stationary blade and a reciprocating blade, the attachment comprising:  
means for removably securing the attachment to the hair clipper; and  
a movable trimmer blade that reciprocates in response to reciprocation of the reciprocating blade of the hair clipper.

10. (Rejected) The trimmer attachment of claim 9, comprising:  
a drive arm at least partially surrounding the reciprocating blade of the hair clipper, and  
a blade guide operatively connected to the drive arm and also secured to the movable trimmer blade.

11. (Rejected) The trimmer attachment of claim 10, comprising:  
a stationary trimmer blade that complements the movable trimmer blade, the  
movable trimmer blade reciprocating across the stationary trimmer blade to cut hair.

12. (Objected To) The trimmer attachment of claim 11, comprising:  
a base, the stationary trimmer blade being secured in the base,  
a spring secured to the base over the blade guide, and  
a guide secured to the base over the drive arm, to hold the drive arm in place.

13. (Objected To) The trimmer attachment of claim 12 wherein the  
guide also secures the attachment to the hair clipper.

14. (Objected To) The trimmer attachment of claim 12 wherein the  
base covers the stationary blade of the hair clipper to avoid unintentional cutting by the hair  
clipper when the trimmer attachment is secured to the hair clipper.

15. (Rejected) A trimmer attachment for a hair clipper, the hair clipper  
having a stationary blade and a reciprocating blade, the attachment comprising:  
means for securing the attachment to the hair clipper; and

a movable trimmer blade that is driven, in a reciprocating manner, by reciprocation of the reciprocating blade of the hair clipper.

16. (Rejected) The trimmer attachment of claim 15, comprising:  
a drive arm at least partially surrounding the reciprocating blade of the hair clipper, and  
a blade guide operatively connected to the drive arm and also secured to the movable trimmer blade.

17. (Rejected) The trimmer attachment of claim 16, comprising:  
a stationary trimmer blade that complements the movable trimmer blade, the movable trimmer blade reciprocating across the stationary trimmer blade to cut hair.

18. (Objected To) The trimmer attachment of claim 17, comprising:  
a base, the stationary trimmer blade being secured in the base,  
a spring secured to the base over the blade guide, and  
a guide secured to the base over the drive arm, to hold the drive arm in place.

19. (Objected To) The trimmer attachment of claim 18 wherein the guide also secures the attachment to the hair clipper.

20. (Objected To) The trimmer attachment of claim 18 wherein the base covers the stationary blade of the hair clipper to avoid unintentional cutting by the hair clipper when the trimmer attachment is secured to the hair clipper.